

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

PEPO HERD EL, a/k/a,
PEPO WAMCHAWI HERD,

Defendant

CRIMINAL No. 21-CR-10045-ADB

**JOINT STATUS REPORT AND GOVERNMENT'S MOTION TO
EXCLUDE TIME FROM THE RUNNING OF THE SPEEDY TRIAL CLOCK**

On August 30, 2021, pursuant to 18 U.S.C. § 4247, U.S. Magistrate Judge Judith G. Dein conducted a hearing to determine whether the defendant was mentally competent to stand trial. On September 3, 2021, Judge Dein issued a report and recommendation to the District Court. Dkt. No. 72. On September 28, 2021, this Court adopted Judge Dein's recommendation, which found that the defendant was not competent to stand trial. Dkt. No. 74. Pursuant to 18 U.S.C. § 4241(d), this Court further ordered the defendant into the custody and care of the Attorney General. Dkt. No. 74.

The defendant arrived at the Federal Correctional Institution in Butner, North Carolina, for mental health treatment on March 11, 2022. His treatment period ended on July 22, 2022. The defendant's health care provider has since informed the government that the defendant continues to present at least some of the symptoms identified in his Massachusetts evaluation. She also informs that the defendant continues to refuse to medication. The health care provider anticipated providing a detailed report and recommendation to the Court early this week, though as of this writing, the parties have not received this document. The health care

provider informed the government that her report would opine that the defendant is not competent to stand trial and request that the court begin an inquiry pursuant to *Sell v. United States*, 539 U.S. 166 (2003).

Because Judge Dein found that the defendant not competent to stand trial and because this Court adopted that finding, the government hereby moves that the time between September 3, 2021, and the date of the upcoming July 28, 2022, status hearing be excluded from the tolling of the speedy trial clock. 18 U.S.C. § 3161(h)(4).

Respectfully submitted,

RACHAEL S. ROLLINS
United States Attorney

By: /s/ Amanda Beck
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Amanda Beck
AMANDA BECK
Assistant United States Attorney

Date: July 25, 2022